

*United States Attorney
Southern District of New York*

May 27, 2025

BY ECF

The Honorable Arun Subramanian
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *United States v. Combs*, S3 24 Cr. 542 (AS)

Dear Judge Subramanian:

Pursuant to the Court's order, Dkt. No. 342, attached please find the Government's email correspondence to and from the Court concerning evidentiary objections or applications for other relief.

Respectfully submitted,

JAY CLAYTON
United States Attorney

By: _____/s
Maurene Comey / Meredith Foster /
Emily A. Johnson / Christy Slavik /
Madison Reddick Smyser / Mitzi Steiner
Assistant United States Attorneys
(212) 637-2324/-2310/-2409/-1113/-2381/-2284

cc: Counsel of record (by ECF)

Date: Thu, 8 May 2025 5:58:00 PM (UTC)
Sent: Thu, 8 May 2025 5:58:48 PM (UTC)
Subject: US v. Combs, 24 Cr. 542 (AS)
From: Slavik, Christy (USANYS)
To: Subramanian NYSD Chambers <SubramanianNYSDChambers@nysd.uscourts.gov>; Johnson, Emily (USANYS) 2 <Emily.Johnson@usdoj.gov>; Steiner, Mitzi (USANYS) <Mitzi.Steiner@usdoj.gov>; Foster, Meredith (USANYS) <Meredith.Foster@usdoj.gov>; Smyser, Madison (USANYS) <Madison.Smyser@usdoj.gov>; Comey, Maurene (USANYS) <Maurene.Comey@usdoj.gov>;
CC: Marc Agnifilo <marc@agilawgroup.com>; Teny Geragos <teny@agilawgroup.com>; Jason A. Driscoll <jdriscoll@shapiroarato.com>; Alexandra Shapiro <ashapiro@shapiroarato.com>; Anna Estevao <aestevao@harristrz.com>; thesteellawfirm <thesteellawfirm@msn.com>; xdonaldson@aol.com; nw@westmorelandlawgroup.com;
Attachments: 2025.05.08 Victim-1 - statement chart (to Court).xlsx; 2025.04.02 US v Combs - Government MILs vf - UPDATED.pdf

Dear Judge Subramanian and Chambers,

As discussed on the record at the conclusion of yesterday's conference, the Government and defense have been conferring on certain statements the Government expects to introduce during the testimony of Victim-1, who is expected to be called as early as Monday, May 12. The attached chart sets out these statements. The Government and defense will continue to confer about the defense's position regarding Fed. R. Evid. 106, but the Government seeks the Court's rulings on statements the defense has objected to, highlighted in yellow in the attached chart. The relevant exhibits have been provided to the Court via USAfx, accessible here: <https://usafx.box.com/s/o8dki58axrh6tw5a3w9tbh3jjl3v9hxm>.

For the reasons set out in Sections I and II of the Government's motions *in limine* (attached here for convenience), the Government seeks a ruling that these statements will be received in evidence in pursuant to the hearsay exceptions set forth in the attached chart.

Additionally, with respect to the cross examination of Victim-1, the defense has refused to commit to whether they will inquire about assaults committed by Victim-1 unrelated to the defendant (*see* Gov't MIL at Section VIII, n.18, point (6)). For the reasons set out in the Government's motions *in limine*, the Government seeks a ruling from the Court precluding this line of cross examination.

Respectfully,
Christy

M. Christine (Christy) Slavik
Assistant United States Attorney
United States Attorney's Office for the Southern District of New York
26 Federal Plaza
New York, New York 10278
[REDACTED]
Office: (212) 637-1113
Email: mary.slavik@usdoj.gov

Date: Thu, 8 May 2025 2:28:00 AM (UTC)
Sent: Thu, 8 May 2025 2:28:12 AM (UTC)
Subject: US v. Combs, 24 Cr. 542 (AS) - Juror 146
From: Comey, Maurene (USANYS)
To: Subramanian NYSD Chambers <SubramanianNYSDChambers@nysd.uscourts.gov>; Johnson, Emily (USANYS) 2 <Emily.Johnson@usdoj.gov>; Slavik, Christy (USANYS) <Mary.Slavik@usdoj.gov>; Steiner, Mitzi (USANYS) <Mitzi.Steiner@usdoj.gov>; Smyser, Madison (USANYS) <Madison.Smyser@usdoj.gov>; Foster, Meredith (USANYS) <Meredith.Foster@usdoj.gov>;
CC: Marc Agnifilo <marc@agilawgroup.com>; Teny Geragos <teny@agilawgroup.com>; Alexandra Shapiro <ashapiro@shapiroarato.com>; Jason A. Driscoll <jdriscoll@shapiroarato.com>; Anna Estevao <aestevao@harristrz.com>; xdonaldson <xdonaldson@aol.com>; nw@westmorelandlawgroup.com; thesteellawfirm <thesteellawfirm@msn.com>;
Attachments: Juror 146 - [REDACTED]

Good evening,

The Government writes to notify the Court and defense counsel of its intent to move to strike Juror Number 146 for cause based on new information that the Government learned after the conclusion of today's proceeding. Earlier this evening, the Government learned that Juror Number 146 currently has a pending lawsuit against the City of New York, which he did not disclose during voir dire.

The docket for the lawsuit is available here:

The attached hearing transcript includes sworn testimony from the plaintiff confirming that his identifying information matches that of Juror 146. On page 4, the plaintiff confirms his name is [REDACTED] and that he resides in [REDACTED] on page 10 he confirms he was born in [REDACTED] and on page 11 he confirms that he works as [REDACTED]. Those details confirm the plaintiff in this lawsuit is in fact Juror 146 based on the information he provided during group questioning today. (See Tr. 713).

Review of today's transcript reveals that Juror 146 falsely told the Court that he had no "yes" answers to any of the Sequestered Questions. (Tr. 598-99). In light of the pending lawsuit, Juror 146 should have responded "yes" to Question #8, which asks "Have you or anyone close to you ever been involved in a legal action, lawsuit, or court case?" Given this false answer and failure to disclose a currently pending lawsuit in which this juror was deposed [REDACTED] the Government intends to ask that Juror 146 be struck for cause.

The Government will be prepared to note all of this information for the record on Friday, but wanted to alert the Court and the defense of this new information as quickly as possible.

Respectfully,

Maurene Comey
Assistant United States Attorney
Southern District of New York
26 Federal Plaza, 37th Floor
New York, NY 10278
212-637-2324
Maurene.Comey@usdoj.gov

Date: Tue, 13 May 2025 3:00:00 AM (UTC)
Sent: Tue, 13 May 2025 3:00:36 AM (UTC)
Subject: RE: US v. Combs, 24 Cr. 542 (AS) - Supplemental Letter
From: Johnson, Emily (USANYS) 2
To: Foster, Meredith (USANYS) <Meredith.Foster@usdoj.gov>; Subramanian NYSD Chambers <SubramanianNYSDChambers@nysd.uscourts.gov>; Slavik, Christy (USANYS) <Mary.Slavik@usdoj.gov>; Steiner, Mitzi (USANYS) <Mitzi.Steiner@usdoj.gov>; Smyser, Madison (USANYS) <Madison.Smyser@usdoj.gov>; Comey, Maurene (USANYS) <Maurene.Comey@usdoj.gov>; Marc Agnifilo <marc@agilawgroup.com>; Teny Geragos <teny@agilawgroup.com>; Jason A. Driscoll <jdriscoll@shapiroarato.com>; Alexandra Shapiro <ashapiro@shapiroarato.com>; thesteellawfirm <thesteellawfirm@msn.com>; nw@westmorelandlawgroup.com; xdonaldson@aol.com; Anna Estevao <aestevao@harristrz.com>;
CC: GX B-332 - Ventura - LI 005 - Martin Bowier iOS iMessage_SMS_MMS-3_21_2018 9_46_10 AM.pdf; GX B-315 - Ventura - LI 005 - IMG_1308.pdf; GX B-316 - Ventura - LI 005 - IMG_1309.pdf; GX B-329 - Ventura - LI 005 - Kerry Morgan iMessage Archived Messages-2_7_2013 9_02_03 PM.pdf; 2025.05.12 Combs Letter re Evidentiary Issues vF.pdf
Attachments:

Dear Judge Subramanian and Chambers,

With apologies for missing the Court's 10 pm deadline, we write with an update on issues the parties would like to address at 9 am tomorrow related to Ms. Ventura's testimony.

We have resolved the immediately pressing Rule 106 issues through conferrals, but the parties would like to continue to discuss prior consistent statements and the Government's motion to preclude cross examination with the Court. In the attached letter, the Government has detailed the prior consistent statements it seeks to admit, which are also attached to the email.

Respectfully submitted,

Emily A. Johnson | Assistant United States Attorney

United States Attorney's Office | Southern District of New York
26 Federal Plaza | New York, NY 10278
T: 212.637.2409 | emily.johnson@usdoj.gov


From: Foster, Meredith (USANYS) <Meredith.Foster@usdoj.gov>
Sent: Sunday, May 11, 2025 9:32 PM
To: Subramanian NYSD Chambers <SubramanianNYSDChambers@nysd.uscourts.gov>
Cc: Johnson, Emily (USANYS) 2 <Emily.Johnson@usdoj.gov>; Slavik, Christy (USANYS) <Mary.Slavik@usdoj.gov>; Steiner, Mitzi (USANYS) <Mitzi.Steiner@usdoj.gov>; Smyser, Madison (USANYS) <Madison.Smyser@usdoj.gov>; Comey, Maurene (USANYS) <Maurene.Comey@usdoj.gov>; Marc Agnifilo <marc@agilawgroup.com>; Teny Geragos <teny@agilawgroup.com>; Jason A. Driscoll <jdriscoll@shapiroarato.com>; Anna Estevao <AEstevao@shertremonte.com>; Alexandra Shapiro <ashapiro@shapiroarato.com>; thesteellawfirm <thesteellawfirm@msn.com>; nw@westmorelandlawgroup.com; xdonaldson@aol.com
Subject: US v. Combs, 24 Cr. 542 (AS) - Supplemental Letter

Dear Judge Subramanian and Chambers,

Please see the attached supplemental letter from the Government in response to certain issues raised at the May 9, 2025 conference. The Government respectfully requests that the Court accept the letter under seal while conferring with the defendant on appropriate redactions for the public docket.

Respectfully submitted,

Meredith Foster
Assistant United States Attorney
Southern District of New York
26 Federal Plaza
New York, New York 10278
(212) 637-2310 (office)

A solid black rectangular redaction box covering the bottom portion of the contact information.

Date: Wed, 14 May 2025 3:02:00 PM (UTC)
Sent: Wed, 14 May 2025 3:02:43 PM (UTC)
Subject: US v. Combs, 24 Cr. 542 (AS) - cases regarding defense exhibits
From: Comey, Maurene (USANYS)
To: Subramanian NYSD Chambers <SubramanianNYSDChambers@nysd.uscourts.gov>; Johnson, Emily (USANYS) 2 <Emily.Johnson@usdoj.gov>; Slavik, Christy (USANYS) <Mary.Slavik@usdoj.gov>; Steiner, Mitzi (USANYS) <Mitzi.Steiner@usdoj.gov>; Smyser, Madison (USANYS) <Madison.Smyser@usdoj.gov>; Foster, Meredith (USANYS) <Meredith.Foster@usdoj.gov>; Marc Agnifilo <marc@agilawgroup.com>; Teny Geragos <teny@agilawgroup.com>; xdonaldson <xdonaldson@aol.com>; nw@westmorelandlawgroup.com; Alexandra Shapiro <ashapiro@shapiroarato.com>; Jason A. Driscoll <jdriscoll@shapiroarato.com>; Anna Esteveao <aesteveao@harristrz.com>; thesteellawfirm <thesteellawfirm@msn.com>;

Good morning,

The Government writes to provide case citations in further support of its request for the immediate production of all exhibits that the defense may seek to use for any purpose other than impeachment during cross-examination of Government witnesses.

United States v. Daskal, No. 21 Cr. 110 (NGG) (LB), 2023 WL 9424080, at *11 (E.D.N.Y. July 12, 2023) sets forth the relevant analysis. The *Daskal* court explained:

By its own terms, Rule 16(b)(1)(A) is applicable only to materials that the defendant intends to use in its “case-in-chief at trial.” Fed. R. Crim. P. 16(b)(1)(A). But the term “case-in-chief” in the Rule 16 context has been interpreted to refer to “the purpose of the evidence’s introduction and not the timing of the evidence’s introduction[.]” *United States v. Aiyaswamy*, No. 15-CR-568-1 (LHK), 2017 WL 1365228, at *4 (N.D. Cal. Apr. 14, 2017). “Where a defendant cross-examines a government witness *to buttress her theory of the case*, rather than to impeach the testimony given by the witness on direct examination, the cross-examination is properly seen as part of the defendant’s case-in-chief.” *Napout*, 2017 WL 6375729, at *7 (emphasis added); *see also Aiyaswamy*, 2017 WL 13665228, at *4 (finding that evidence introduced for “substantively challenging the elements of the charged offense” is part of the defendant’s case-in-chief). Rule 16(b)(1)(A) disclosure thus extends to all non-impeachment exhibits that defense plans to use at trial, “whether the exhibits will be introduced through a government witness or a witness called by a [d]efendant.” *Napout*, 2017 WL 6375729, at *7; *see also United States v. Smothers*, No. 20-CR-213 (KAM), — F. Supp. 3d —, 2023 WL 348870, at *22 (E.D.N.Y. Jan. 20, 2023). “Nearly every court to consider the issue has concluded the same.” *United States v. Crowder*, 325 F. Supp. 3d 131, 136 (D.D.C. 2018) (citing cases).

Id. at *11. Consistent with this reasoning, the term “case in chief” in Rule 16(b) “has been interpreted to encompass ‘all non-impeachment exhibits [the defense] intend[s] to use in their defense at trial, whether the exhibits will be introduced through a government witness or a witness called by a defendant.’” *United States v. Meltzer*, No. 20 Cr. 314 (GHW), Dkt. No. 150, at 13 (quoting *United States v. Napout*, No. 15 Cr. 252 (PKC), 2017 WL 6375729, at *7 (E.D.N.Y. Dec. 12, 2017)). “Nearly every court to consider the issue has concluded the same.” *United States v. Crowder*, 325 F. Supp. 3d 131, 136 (D.D.C. 2018) (collecting cases). Therefore, Rule 16 requires that the defendant produce any exhibits he wishes to use in his own case in chief or on cross-examination (except for impeachment) in advance of trial.

Respectfully submitted,

Maurene Comey
Assistant United States Attorney
Southern District of New York
26 Federal Plaza, 37th Floor
New York, NY 10278
212-637-2324
Maurene.Comey@usdoj.gov

Date: Wed, 14 May 2025 9:14:52 PM (UTC)
Sent: Wed, 14 May 2025 9:14:51 PM (UTC)
Subject: US v. Combs, 24 Cr. 542 (AS) - defense exhibits
From: Comey, Maurene (USANYS)
To: Subramanian NYSD Chambers <SubramanianNYSDChambers@nysd.uscourts.gov>;
Marc Agnifilo <marc@agilawgroup.com>; Teny Geragos <teny@agilawgroup.com>; Alexandra Shapiro
<ashapiro@shapiroarato.com>; Jason A. Driscoll <jdriscoll@shapiroarato.com>; Anna Estevao
<aestevao@harristrz.com>; xdonaldson <xdonaldson@aol.com>; nw@westmorelandlawgroup.com;
CC: thesteellawfirm <thesteellawfirm@msn.com>; Johnson, Emily (USANYS) 2 <Emily.Johnson@usdoj.gov>;
Slavik, Christy (USANYS) <Mary.Slavik@usdoj.gov>; Steiner, Mitzi (USANYS) <Mitzi.Steiner@usdoj.gov>;
Smyser, Madison (USANYS) <Madison.Smyser@usdoj.gov>; Foster, Meredith (USANYS)
<Meredith.Foster@usdoj.gov>;

Good afternoon,

The Government just received the defense exhibits in hard copy and has not yet received electronic copies. The hard copy exhibits consist of 383 exhibits, totaling hundreds of pages double sided, filling three multi-inch binders. It is simply not possible for the Government to review and identify objections to all of these exhibits by the end of the night, not to mention 7pm.

Federal Rule of Evidence 412(c)(1) places the burden on the proponent of an exhibit covered by the rule to “file a motion that specifically describes the evidence and states the purpose for which it is to be offered.” Given the volume of exhibits, we ask that the defense be directed to compile a narrower list of exhibits that implicate the issues the Government flagged on the record today.

The Government also notes that unless the defense narrows the list of exhibits substantially, it will not be able to raise other evidentiary objections in advance of cross-examination tomorrow. We intend to ask the Court to preclude any exhibits from being admitted on cross-examination that we have not had sufficient opportunity to review and evaluate.

Respectfully,
Maurene Comey

Date: Tue, 20 May 2025 2:15:00 AM (UTC)
Sent: Tue, 20 May 2025 2:15:50 AM (UTC)
Subject: RE: US v. Combs, 24 Cr. 542 (AS) - Order of Witnesses for Tuesday 5/20
From: Johnson, Emily (USANYS) 2
To: Teny Geragos <teny@agilawgroup.com>; Comey, Maurene (USANYS) <Maurene.Comey@usdoj.gov>; SubramanianNYSDChambers <SubramanianNYSDChambers@nysd.uscourts.gov>; Slavik, Christy (USANYS) <Mary.Slavik@usdoj.gov>; Steiner, Mitzi (USANYS) <Mitzi.Steiner@usdoj.gov>; Smyser, Madison (USANYS) <Madison.Smyser@usdoj.gov>; Foster, Meredith (USANYS) <Meredith.Foster@usdoj.gov>; Marc Agnifilo <marc@agilawgroup.com>; thesteellawfirm <thesteellawfirm@msn.com>; xdonaldson <xdonaldson@aol.com>; nw@westmorelandlawgroup.com;
CC: Alexandra Shapiro <ashapiro@shapiroarato.com>; Jason A. Driscoll <jdriscoll@shapiroarato.com>; Anna Estevas <aestevas@harristrz.com>;

Dear Chambers:

We have also conferred with defense counsel regarding exhibits that may be used with Regina Ventura. The Government wishes to preview for the Court that it may have hearsay objections to certain exhibits, if offered, but expects that the objections will be most easily addressed within the context of the cross-examination.

Respectfully, Emily

From: Teny Geragos <teny@agilawgroup.com>
Sent: Monday, May 19, 2025 10:00 PM
To: Comey, Maurene (USANYS) <Maurene.Comey@usdoj.gov>; SubramanianNYSDChambers <SubramanianNYSDChambers@nysd.uscourts.gov>
Cc: Johnson, Emily (USANYS) 2 <Emily.Johnson@usdoj.gov>; Slavik, Christy (USANYS) <Mary.Slavik@usdoj.gov>; Steiner, Mitzi (USANYS) <Mitzi.Steiner@usdoj.gov>; Smyser, Madison (USANYS) <Madison.Smyser@usdoj.gov>; Foster, Meredith (USANYS) <Meredith.Foster@usdoj.gov>; Marc Agnifilo <marc@agilawgroup.com>; thesteellawfirm <thesteellawfirm@msn.com>; xdonaldson <xdonaldson@aol.com>; nw@westmorelandlawgroup.com; Alexandra Shapiro <ashapiro@shapiroarato.com>; Jason A. Driscoll <jdriscoll@shapiroarato.com>; Anna Estevas <aestevas@harristrz.com>
Subject: [EXTERNAL] RE: US v. Combs, 24 Cr. 542 (AS) - Order of Witnesses for Tuesday 5/20

Dear Chambers:

Pursuant to the Court's Order, we write to let the Court know of legal issues we expect may arise tomorrow:

With respect to Ms. Regina Ventura's testimony, the defense may object to the government eliciting testimony from Ms. Ventura regarding a \$20,000 payment to Mr. Combs at the end of December of 2011. We still are conferring with the government on this point. Neither party will address this issue in writing this evening or tomorrow morning, and we request additional time to consider it and raise it tomorrow morning at 8:30am, if necessary.

The defense does not foresee any other legal issues arising before tomorrow morning's testimony.

Respectfully,
Teny

From: Comey, Maurene (USANYS) <Maurene.Comey@usdoj.gov>
Sent: Monday, May 19, 2025 8:42 PM
To: SubramanianNYSDChambers <SubramanianNYSDChambers@nysd.uscourts.gov>
Cc: Johnson, Emily (USANYS) 2 <Emily.Johnson@usdoj.gov>; Slavik, Christy (USANYS) <Mary.Slavik@usdoj.gov>; Steiner, Mitzi (USANYS) <Mitzi.Steiner@usdoj.gov>; Smyser, Madison (USANYS) <Madison.Smyser@usdoj.gov>; Foster, Meredith (USANYS) <Meredith.Foster@usdoj.gov>; Teny Geragos <teny@agilawgroup.com>; Marc Agnifilo <marc@agilawgroup.com>; thesteellawfirm <thesteellawfirm@msn.com>; xdonaldson <xdonaldson@aol.com>; nw@westmorelandlawgroup.com; Alexandra Shapiro <ashapiro@shapiroarato.com>; Jason A. Driscoll <jdriscoll@shapiroarato.com>; Anna Estevas <

aestevao@harristrz.com>

Subject: US v. Combs, 24 Cr. 542 (AS) - Order of Witnesses for Tuesday 5/20

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good evening,

The Government writes to alert the Court and the defense of an adjustment to its anticipated order of witnesses for tomorrow. We currently expect to call witnesses in the following order tomorrow:

- David James (currently on direct)
- Regina Ventura
- Sharay Hayes
- Gerard Gannon

Those four witnesses will almost certainly take the full day tomorrow. In addition, the Government now expects to call a custodian from L'Ermitage on Thursday, May 22nd. Although the Government is still assessing, it is possible that Jourdan Atkinson may not testify until a later week in the trial. We will promptly alert the Court and the defense when we have more definite timing regarding Ms. Atkinson's testimony.

Respectfully,

Maurene Comey
Assistant United States Attorney
Southern District of New York
26 Federal Plaza, 37th Floor
New York, NY 10278
212-637-2324
Maurene.Comey@usdoj.gov

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Date: Tue, 27 May 2025 2:29:00 AM (UTC)
 Sent: Tue, 27 May 2025 2:29:57 AM (UTC)
 Subject: RE: US v. Combs - 5/27/25 Trial Issues
 From: Slavik, Christy (USANYS)
 To: Teny Geragos <teny@agilawgroup.com>; SubramanianNYSDChambers <SubramanianNYSDChambers@nysd.uscourts.gov>; Comey, Maurene (USANYS) <Maurene.Comey@usdoj.gov>; Johnson, Emily (USANYS) 2 <Emily.Johnson@usdoj.gov>; Foster, Meredith (USANYS) <Meredith.Foster@usdoj.gov>; Steiner, Mitzi (USANYS) <Mitzi.Steiner@usdoj.gov>; Smyser, Madison (USANYS) <Madison.Smyser@usdoj.gov>;
 CC: Marc Agnifilo <marc@agilawgroup.com>; Alexandra Shapiro <ashapiro@shapiroarato.com>; Jason A. Driscoll <jdriscoll@shapiroarato.com>; Anna Estevao <aestevao@harristrz.com>; nw@westmorelandlawgroup.com; xdonaldson <xdonaldson@aol.com>; thesteellawfirm <thesteellawfirm@msn.com>;
 Attachments: [APO] USAO_00809535-00809539 - USAO REF# 2023R01191.pdf; GX 8B-101.pdf

Dear Judge Subramanian and Chambers,

The defense just alerted the Government that it will object to a record produced by the State of California Department of Motor Vehicles, which was produced in discovery in November 2024 and a portion of which was marked as an exhibit in April 2025. Both the full record and the marked exhibit are attached. The Government will offer the document during the testimony of LAPD Officer Christopher Ignacio, who is expected to testify tomorrow. Mr. Steele has represented that he will object to admission of this document on the grounds of foundation, hearsay, and the Confrontation Clause.

The Government respectfully submits that the DMV document is self-authenticating under Fed. R. Evid. 902(1) and 902(11) and is admissible as a business record under Fed. R. Evid. 803(6). Accordingly, there is a proper foundation to admit the document under the business records hearsay exception. See *United States v. Conde*, 134 4th 82, 88 (2d Cir. 2025) (Rules 803(6) and 902(11) "create a framework for the authentication and admission of business records without the expense and inconvenience of producing time-consuming foundation witnesses"). Furthermore, the document does not implicate the Confrontation Clause as it is not testimonial. The Government will be prepared to discuss further tomorrow at the Court's convenience.

Respectfully,
 Christy

Christy Slavik


From: Teny Geragos <teny@agilawgroup.com>
Sent: Monday, May 26, 2025 9:58 PM
To: SubramanianNYSDChambers <SubramanianNYSDChambers@nysd.uscourts.gov>; Comey, Maurene (USANYS) <Maurene.Comey@usdoj.gov>; Johnson, Emily (USANYS) 2 <Emily.Johnson@usdoj.gov>; Foster, Meredith (USANYS) <Meredith.Foster@usdoj.gov>; Steiner, Mitzi (USANYS) <Mitzi.Steiner@usdoj.gov>; Smyser, Madison (USANYS) <Madison.Smyser@usdoj.gov>; Slavik, Christy (USANYS) <Mary.Slavik@usdoj.gov>
Cc: Marc Agnifilo <marc@agilawgroup.com>; Alexandra Shapiro <ashapiro@shapiroarato.com>; Jason A. Driscoll <jdriscoll@shapiroarato.com>; Anna Estevao <aestevao@harristrz.com>; nw@westmorelandlawgroup.com; xdonaldson <xdonaldson@aol.com>; thesteellawfirm <thesteellawfirm@msn.com>
Subject: [EXTERNAL] US v. Combs - 5/27/25 Trial Issues

Dear Chambers and Judge Subramanian:

Tomorrow, we expect that the government will call Capricorn Clark, a witness from LAFD and a witness from LAPD.

Jimenez

With respect to the LAFD witness, Jimenez, the government is planning to move to preclude the defense from cross-examining Jimenez that the source of the DNA from the bottle of the alleged Molotov cocktail is female. We understand this motion is based on hearsay, and 403. We would like to orally respond to the government's motion, once it is filed, in court tomorrow morning. Jimenez was leading the investigation, submitted the DNA for testing, and knew that it returned results consistent with a female. Given Jimenez's personal knowledge of this fact, and given that the government has charged a racketeering act of arson against Mr. Combs related to this incident, we believe that it is admissible to ask about in cross-examination. To the extent that the government may argue that this is not relevant, admissible, or may confuse the jury, the government already put this information into the grand jury.

Clark

With respect to Ms. Clark, the defense has conferred with the government multiple times regarding her testimony. And, in compliance with the Court's order, has disclosed numerous exhibits related to Ms. Clark. We plan to use the majority of these to refresh the witness's recollection. However, if we decide we would like to admit these on cross-examination, these exhibits are relatively short, and will not unduly disrupt the trial to decide in the context of Ms. Clark's testimony. Rather than go through all exhibits one by one prior to her testimony, we think that any objections are better raised in the context of her testimony, after the direct has completed.

Ms. Steiner may have hearsay issues to bring to the Court regarding Ms. Clark's testimony in the morning.

Respectfully,
Teny



Teny Geragos
Partner, Agnifilo Intrater LLP
445 Park Avenue, 7th Floor | New York, NY 10022
o: (646) 205-4351 | c: (929) 692-0866



teny@agilawgroup.com
www.agilawgroup.com

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